

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF ANNE) APPEAL NOS. 07-A-2657
MCKEE from the decision of the Board of) AND 07-A-2658
Equalization of Valley County for tax year 2007.) FINAL DECISION
) AND ORDER

RESIDENTIAL AND VACANT LAND

THESE MATTERS came on for hearing January 16, 2008, in Cascade, before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Anne McKee appeared. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi and Appraiser June Fullmer appeared for Respondent Valley County. These appeals are taken from decisions of the Valley County Board of Equalization denying the protests of the valuation for taxing purposes of properties described as Parcel Nos. RP005430000010A and RP005430000020A.

The issue on appeal is the market value of a residential property and an adjacent land parcel, specifically the value attributable to land.

The decisions of the Valley County Board of Equalization are reversed.

FINDINGS OF FACT

As the parcels are contiguous the respective value statements regarding the two subject assessments are presented together.

Parcel No. RP005430000010A (Parcel 1)

The assessed land value is \$337,840, and the improvements' valuation is \$406,210, totaling \$744,050. Appellant requests the land value be reduced to \$289,000, and the improvements' value be left at \$406,210, totaling \$695,210.

This property contains 9.785 acres with a residence attached, located in the McCall area. The improvements' value is uncontested.

Parcel No. RP005430000020A (Parcel 2)

The total assessed land value is \$329,980. Appellant requests the total land value be reduced to \$289,000.

This is a vacant land parcel contiguous to improved Parcel 1. It contains 9.789 acres and is located in the McCall area.

Property owner claims the assessed land values are too high based on bare land sales of 10 acre lots in the area.

Appellant presented a spreadsheet and Multiple Listing Sheets with sales in the McCall area of properties approximately 10 acres in size. These sales took place from 2005 through 2007. Appellant believed the sale of an adjacent lot was the best evidence of subjects' values. The adjacent 10 acre lot sold in July 2006 for \$289,000, or \$29,000 per acre. Subject parcels are assessed at \$337,840 and \$329,980 or \$34,526 and \$33,709 per acre.

Respondent presented four 2006 bare land sales located in a subdivision near the subject parcels. The lots ranged from 2.32 to 5 acres in size, and \$140,000 to \$202,000 in sale price. Respondent contended these were the best large acreage sales available.

The taxpayer argued Respondent's sales are not representative of subject, because of the size of the comparable sales was smaller than subjects.

Respondent was unaware of some of the sales referenced by Appellant. The county made large negative adjustments to some of Appellants comparable sales because of "serious" problems. Such problems were not discussed, and reasons for the adjustments were not given.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments

and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Assessments in the state of Idaho are to reflect market value as defined by Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant provided bare land sales in the area to support the proposed assessment of \$289,000 for each parcel of land under appeal. Appellant asserted a 2006 sale of an adjacent lot for \$289,000 is the best indication of subjects’ value and should be given the most weight.

Respondent examined four (4) sales to compare with subjects. However, the sales ranged from 2.3 to 5 acres in size. The Board finds these properties do not reflect subjects’ market value because the difference in lot size was not considered.

The Board is convinced the adjacent property sale submitted by Appellant appears to be the best indicator of subjects values, therefore, the Board has determined an adjustment of subjects’ assessments is proper. The decision of the Valley County Board of Equalization is reversed to reflect a land value of \$289,000 for land Parcel 1 and \$289,000 for land Parcel 2.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decisions of the Valley County Board of Equalization concerning the subject parcels be, and the same hereby are, reversed to reflect a decrease in the assessed land value of Parcel No. RP005430000010A (Parcel 1) to \$289,000 and a decrease in the assessed land value of Parcel No.

RP005430000020A (Parcel 2) to \$289,000. The improvements valuation for Parcel No. RP005430000010A (Parcel 1) shall remain at \$406,210.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED February 12, 2008